Exhibit L

NO. 21-CI-06290 JEFFERSON CIRCUIT COURT
DIVISION FOUR (4)
JUDGE JULIE KAELIN

MATTHEW STRECK, Individually, et al. PLAINTIFFS

V. VIDEO DEPOSITION FOR THE DEFENDANTS

JOHNSON AND JOHNSON, et al. DEFENDANTS

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DEPONENT: WILLIAM E. LONGO, Ph.D.

DATE: MAY 16, 2023

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ELLEN L. COULTER
REGISTERED PROFESSIONAL REPORTER
COULTER REPORTING, LLC
101 East Kentucky Street
Suite 200
Louisville, Kentucky 40203
(502) 582-1627
FAX: (502) 587-6299
E-MAIL: Ecoulter@coulterreporting.com

That's done by another individual at your lab?

A. Correct. I don't -- I don't analyze these from start to finish. I just get called in if there's a question or -- on the refractive indices or structure, sort of the tiebreaker.

Q. Okay. And so am I correct that for each of the 21 Gold Bond samples identified on this chart, as well as the additional sample that you referenced a moment ago for a total of 22 samples, those were all tested for purposes of the PLM analysis for chrysotile by Mr. Paul Hess, is that right?

A. Yes, sir, I believe so.

Q. Okay. And it's -- is it Mr. Hess -- he's the one who's looking through the PLM microscope to make the determination of the particle's color and then also a determination to match it to a refractive index?

A. Yes.

Q. And he makes that determination in both the parallel orientation of the particle as well as the perpendicular orientation of the particle, correct?

A. That is correct.

Q. Is it Mr. Hess that also makes the

30 -- 31 or 32 other structures that have been identified as chrysotile, correct?

A. He is.

Q. And the slides -- the microscope slides that would support the data and his finding that there were 37 bundles of chrysotile, those slides are discarded shortly after the analysis, correct?

A. They don't last within a couple of weeks.

Q. And so they would be discarded, correct?

A. Yes.

Q. Let me get out of this.

Dr. Longo, at the beginning of the deposition we were talking about exposures, and you talked about Mr. Streck's exposure through brake work and the Americana project, and I believe the term you used was "significant exposure." Is that the term you're comfortable using?

A. Yes. I just -- I don't use it as a -- when I say "significant," I'm using it as significant over background, which I don't -- which background asbestos, in my opinion, does not exist unless asbestos is being disturbed, but I use it as a

A. That's not true. They're not subtracting anything like that. They're taking and comparing the two. So when people say that's how he does the birefringence, that's just not true.

Q. When you say "comparing the two," what do you mean?

A. Well, he's looking at the highest birefringence in the Michel-Levy charts and he's looking at the -- if he has a range, looking at the lowest alpha. And then he's going over and looking at the chart, trying to match up those colors. And you'll see a lot of -- when they do that they go low to medium, you know, you've got this range, where when you do the actual calculation you can say this is low or this is the low end of moderate. I think it's much more accurate.

Q. Okay. Let's just look at one more of these real quick. Okay. So this one here -- and just for the record, this is M71614-001CSM-004, page 47 of Exhibit 7. And this one here you have a refractive index of 1.565 to 1.568 in parallel?

A. Correct.

Q. And so for this, why is there a range provided rather than a single -- a single value?

A. Because Mr. Hess thinks it's more

accurate to do that way because you've got this like dispersion, change in color, if you look around the edge.

If I take the average of that and go to the high end, you know, it's just 1 point -- it would be 1.566 to 1.567. It would be easier just to average that and take the high side of it. You're going to get basically the exact same thing, refractive -- I mean on the birefringence, but...

Q. Okay. Yeah, that was going to be my next question. Like how does this impact, if at all, the birefringence calculation?

A. It actually doesn't when you -- if you were to average the two. But what we do is you'll take the high end of the gamma here and the high end of the alpha, subtract it out, then average those two. Or if you were to average this out and do the exact same thing, you would get just about the exact same number on the calculation.

Q. All right. And so I think you said earlier today that it's your view that EPA R-93 calculates birefringence in the same way that you are calculating birefringence?

A. No, I didn't say that. I said they have examples of ranges that are in Table 2.2 --

high a gamma in the chrysotile-added products.

So it's not so much relying on -- it's this is how -- they show you that when you're subtracting it out this is how it's done. You don't take a high and a low.

And it's also the same thing that -- in the Deer, Howie, Zussman, how -- the same way they're calculating ranges.

MR. VIVES: All right. Well, we've been going for a while. Why don't we take a break.

THE WITNESS: Sure, yeah. What time it is?

MR. VIVES: 3:08.

THE WITNESS: 3:00, wow. I won't hold you to this. Are we off the record?

MR. SMITH: Not yet. We can go off the record.

THE MODERATOR: Off the record at 3:09 p.m.

(OFF THE RECORD)

THE MODERATOR: We are on the record at 3:25 p.m.

BY MR. VIVES:

Q. Okay, Dr. Longo, we're back after a quick break. I just want to come back to a few

things we were just talking about.

I think you said that PLM analysis is -- whether it's subjective depends on the analyst who's performing the analysis, or something along those lines, is that correct?

A. That's correct.

Q. And so just to make sure I'm clear --

A. And how much experience they have on doing this, you know, repetitive, et cetera. And so just doing asbestos-added products, you know, it's pretty straightforward.

Q. But you wouldn't disagree that there's certainly a subjective element to PLM analysis.

A. You know, just depends on your training and how much experience you've got. You know, this -- and it's typically .00 -- 0.0005 is the error rate. So it's like anything else, these types of analysis. But I don't think it's that subjective if you are well experienced and you look at standards and you validate the method.

Q. And this subjective part would be somebody looks under a microscope, looks at a sample under a PLM microscope, and they try to match up the color they're seeing to the color on a central dispersion staining chart, correct?

STATE OF KENTUCKY)(
)(SS:
COUNTY OF JEFFERSON)(

I, ELLEN L. COULTER, Notary Public, State of Kentucky at Large, hereby certify that the foregoing deposition was taken at the time and place stated in the caption; that the appearances were as set forth in the caption; that prior to giving testimony the witness was first duly sworn by me; that said testimony was taken down by me in stenographic notes and thereafter reduced under my supervision to the foregoing typewritten pages and that said typewritten transcript is a true, accurate and complete record of my stenographic notes so taken.

I further certify that I am not related by blood or marriage to any of the parties hereto and that I have no interest in the outcome of captioned case.

Given under my hand this the

day of , , at

Louisville, Kentucky.

My commission as Notary Public expires November 5, 2023.

ELLEN L. COULTER
NOTARY PUBLIC
Notary I.D. 634549